

H.480

An act relating to making miscellaneous technical and other amendments to education laws

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Elementary Education; Prekindergarten * * *

Sec. 1. 16 V.S.A. § 11(a)(3) is amended to read:

(3) “Elementary education” means a program of public school education adapted to the needs of students in prekindergarten, kindergarten, and the first six grades.

* * * Divided Vote; Repeal of Language No Longer in Effect * * *

Sec. 2. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; ~~FORM OF VOTE IF BUDGET
EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
AVERAGE~~

The school board of a school district, in addition to other duties and authority specifically assigned by law:

* * *

(11)(A) Shall prepare and distribute annually a proposed budget for the next school year according to such major categories as may from time to time be prescribed by the ~~commissioner~~ Secretary.

~~(B) If the proposed budget contains education spending in excess of the Maximum Inflation Amount, and the district's education spending per equalized pupil in the fiscal year preceding the year for which the budget is proposed was in excess of the statewide average district education spending per equalized pupil in that same fiscal year, as determined by the commissioner of education, then in lieu of any other statutory or charter form of budget adoption or budget vote, the board shall present the budget to the voters by means of a divided question, in the form of vote provided in subdivision (ii) of this subdivision (11)(B).~~

~~(i) "Maximum Inflation Amount" in this section means:~~

~~(I) the statewide average district education spending per equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year preceding the year for which the budget is proposed, as determined by the commissioner of education, multiplied by the New England Economic Project Cumulative Price Index percentage change, as of November 15 preceding distribution of the proposed budget, for state and local government purchases of goods and services for the fiscal year for which the budget is proposed, plus one percentage point; plus the district's education spending per equalized pupil in the fiscal year preceding the year for which the budget is proposed, as determined by the commissioner of education;~~

~~(II) multiplied by the higher of the following amounts as determined by the commissioner of education: (aa) the district's equalized pupil count in the fiscal year preceding the year for which the budget is proposed; or (bb) the district's equalized pupil count in the fiscal year for which the budget is proposed.~~

~~(ii) The ballot shall be in the following form:~~

~~"The total proposed budget of \$_____ is the amount determined by the school board to be necessary to support the school district's educational program. State law requires the vote on this budget to be divided because (i) the school district's spending per pupil last year was more than the statewide average and (ii) this year's proposed budget is greater than last year's budget adjusted for inflation.~~

~~"Article #1 (School Budget):~~

~~Part A. Shall the voters of the school district authorize the school board to expend \$_____, which is a portion of the amount the school board has determined to be necessary?~~

~~Part B. If Part A is approved by the voters, shall the voters of the school district also authorize the school board to expend \$_____, which is the remainder of the amount the school board has determined to be necessary?"~~

~~(C) At a school district's annual or special meeting, the electorate may vote to provide notice of availability of the school budget required by this~~

subdivision to the electorate in lieu of distributing the budget. If the electorate of the school district votes to provide notice of availability, it must specify how notice of availability shall be given, and such notice of availability shall be provided to the electorate at least 30 days before the district's annual meeting. The proposed budget shall be prepared and distributed at least ten days before a sum of money is voted on by the electorate. Any proposed budget shall show the following information in a format prescribed by the ~~commissioner of education~~ Secretary:

* * *

Sec. 3. REPEAL

16 V.S.A. § 4001(6)(A) (divided vote; exceptions to education spending)
is repealed.

* * * School Boards; Designation; Technical Correction * * *

Sec. 4. 16 V.S.A. § 563(31) is amended to read:

(31) Subject to the requirements of section 571 of this title, may enter into contracts with other school boards to provide joint programs, services, facilities, and professional or other staff. ~~Nothing herein shall be construed to permit the designation by a school district that does not maintain a secondary school of another school district's secondary school as the secondary school of the district.~~

* * * Sight and Hearing Testing; Equipment * * *

Sec. 5. REPEAL

16 V.S.A. § 1421 (sight and hearing testing equipment) is repealed.

* * * Tiered System of Supports * * *

Sec. 6. 16 V.S.A. § 2902 is amended to read:

§ 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF
SUPPORTS AND EDUCATIONAL SUPPORT TEAM

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain ~~an educational support system for students who require additional assistance in order~~ a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the ~~educational support system~~ tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. ~~The educational support system~~ The school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team ~~and a range of support and remedial services, including,~~ instructional and behavioral interventions, and accommodations that are

available as needed for any student who requires support beyond what can be provided in the general education classroom, and may include intensive, individualized interventions for any student requiring a higher level of support.

(b) The ~~educational support system~~ tiered system of supports shall:

(1) Be ~~integrated to the extent~~ aligned as appropriate with the general education curriculum.

(2) Be designed to ~~increase~~ enhance the ability of the general education system to meet the needs of all students.

(3) Be designed to provide ~~students the support needed~~ necessary supports promptly, regardless of an individual student's eligibility for categorical programs.

(4) ~~Provide clear procedures and methods for addressing student behavior that is disruptive to the learning environment and include educational options, support services, and consultation or training for staff where appropriate. Procedures may include removal of a student from the classroom or the school building for as long as appropriate, consistent with state and federal law and the school's policy on student discipline, after reasonable effort has been made to support the student in the regular classroom environment~~ Seek to identify and respond to students in need of support for at-risk behaviors and to students in need of specialized, individualized behavior supports.

(5) ~~Ensure~~ Provide all students with a continuum of evidence-based and research-based behavior practices that teach and encourage prosocial skills and behaviors schoolwide.

(6) Promote collaboration with families, community supports, and the system of health and human services.

* * *

* * * Small School Support; Outdated References * * *

Sec. 7. REPEAL

16 V.S.A. § 4015(d) (small school support; references to two repealed provisions) is repealed.

* * * Education Fund; Technical Correction * * *

Sec. 8. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) An Education Fund is established to comprise the following:

* * *

(4) ~~Revenue from the electric generating plant education property tax under 32 V.S.A. § 5402a.~~ [Repealed.]

* * *

Sec. 9. [Deleted.]

* * * Voluntary Mergers; Incentives * * *

Sec. 10. 2010 Acts and Resolves No. 153, Sec. 2(a), as amended by 2012

Acts and Resolves No. 156, Sec. 1, is further amended to read:

(a) Program created. There is created a school district merger incentive program under which the incentives outlined in Sec. 4 of this act shall be available to each new unified union school district created pursuant to Sec. 3 of this act and to each new district created under Sec. 3 of this act by the merger of districts that provide education by paying tuition; and to the Vermont members of any new interstate school district if the Vermont members jointly satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district meets all other requirements of Sec. 3 of this act. Incentives shall be available, however, only if the ~~effective date of merger is on or before July 1, 2017~~ merger receives final approval of the electorate prior to November 30, 2017.

Sec. 11. 2010 Acts and Resolves No. 153, Sec. 4, as amended by 2012 Acts and Resolves No. 156, Sec. 13, is further amended to read:

Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

* * *

(h) ~~This section is repealed on July 1, 2017.~~ The incentives provided in this section shall be available only if the merger receives final approval of the

electorate prior to November 30, 2017 or as otherwise provided by the General
Assembly.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2015.